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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,238	02/27/2002	Bradley F. Bowden	SP01-330	7779

22928 7590 07/02/2003

CORNING INCORPORATED

SP-TI-3-1

CORNING, NY 14831

EXAMINER

DERRINGTON, JAMES H

ART UNIT

PAPER NUMBER

1731

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/086,238	BOWDEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	James Derrington	1731	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                            | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____   |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: ____                                     |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-7 and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Segawa et al (4,938,788) taken alone or with Hihara et al (5,244,485).

Segawa et al disclose the process of providing a silica glass container or capsule; filling with silica powder; evacuating; sealing and subjecting the sealed capsule to hot isostatic pressing to produce a glass block or perform (See Examples 1, 2 and Col. 3, line 48 ff). In view of the discussion at Col. 1, line 10 ff, it is clear that Segawa et al envisions the utility of the formed glass as an optical perform. Further, the claimed term green body includes a non-porous exterior and porous interior and is clearly inclusive of the silica filled container of the reference for the following reasons. First, applicant recites these details in certain dependent claims (note for example the last four lines of claim 10). In addition, applicant has described the instant green body as a vitreous container, i.e. glass container. (note page 3, line 16 and the glass container of Segawa et al would inherently be non-porous. The examiner also takes the position that silica powder of Segawa et al qualifies as the instant "porous interior portion". The silica powder disclosed by Segawa et al would suggest the instant glass particles in view of the teachings of the amorphous powder produced by vapor phase as disclosed at Col. 3, lines 9-25). In addition the teachings of Hihara et al are relied where molded

glass optical performs are produced from silica glass powder prepared by flame hydrolysis (Col. 4, lines 65 ff). It would have been obvious to use glass particles prepared by flame hydrolysis in the process of Segawa et al for the art intended purpose of producing an glass optical perform. Additionally the use of other glass particles such as cullet would have been suggested to one of ordinary skill in the art in view of the wide range of glass types taught by Hihara et al at Col. 5, lines 1-24).

With regard to other claimed features, both Segawa et al (Col. 5, line 48 ff) and Hirara et al (Col. 6, line 55 ff) disclose treatment or purification with chlorine gas at elevated temperatures. The silica containers or capsules of Segawa et al (Col. 3, lines 45-59) would clearly suggest the silica tube of claims 25-27.

Claims 2-4 and 8 and 10-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Segawa et al (4,938,788) taken alone or with Hihara et al (5,244,485) as applied to claims 1, 5-7 and 23-27 above, and further in view of Moritz et al (5,866,062) or Englisch et al (5,736,206) and/or Bergna et al (3,301,635..

The claims recite details regarding the production of the green body or glass container or glass capsule by casting or glass blowing (note claim 22). The examiner submits that glass forming techniques for the production of hollow articles by casting with or without vacuum and glass blowing are well known to the art and obvious techniques. As evidence, both Moritz et al (Fig. 3 and Col. 3, lines 18-27) and Englisch et al (Col.3, line 19 ff), disclose the use of slip casting of glass particles for the production of hollow green bodies or containers. It would have been obvious to use a casting process for the production of the instant green bodies since the process would

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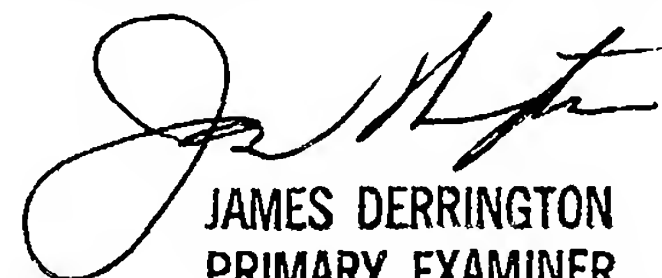
be expected to perform in the art expected manner. With regard to claim 8, Bergna et al disclose ammonia is a dispersant or stabilizer for glass aqueous slurries (Col. 6, line 38) and it would have been obvious to use this material for its intended purpose.

Claims 1-9 and 24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification discloses filling the green body or container or capsule with glass particles and then conducting a hot isostatic process. It is unclear how the instant process could be conducted without the glass particle filling step. Without the filling step, the hollow slip cast green body, container or capsule would be crushed from the pressure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Derrington whose telephone number is 703 308-3832. The examiner can normally be reached on 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703 308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-7718 for regular communications and 703 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0661.

  
JAMES DERRINGTON  
PRIMARY EXAMINER  
ART UNIT-137/1731